

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-cv-10573-RWZ

JOSEPH SCHMITT,
Plaintiff,

v.

MASSACHUSETTS DEPARTMENT OF
CORRECTION, et al.,

Defendants.

DEFENDANTS' OPPOSITION TO MOTION FOR SANCTIONS

Defendants Department of Correction and Kathleen Dennehy hereby oppose plaintiff's "Motion for Monetary Sanctions for Defendants' Counsel Defying Justice Rya W. Zobel's Orders to Cease Filing Duplicative Pleadings." For the following reasons, plaintiff's motion is frivolous and should be denied.

Defendants filed a Motion to Dismiss and Motion to Vacate Indigency Status in this case. Counsel for defendants filed similar motions in Case Number 05-cv-10571, a separate case. These two cases have **NOT** been consolidated, this Court has not issued any orders regarding duplicative pleadings in either cases, and the pleadings filed by defendants are not duplicative. Plaintiff's Motion for Sanctions is an obvious attempt by plaintiff to try to avoid responding to defendants' motions on the merits.

As such, defendants respectfully request that this Court DENY plaintiff's Motion

for Sanctions.

Dated: September 13, 2006

Respectfully submitted,

NANCY ANKERS WHITE
Special Assistant Attorney General

/s/ Jody T. Adams

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CERTIFICATE OF SERVICE

I hereby certify that on this date a true copy of the above document was served on plaintiff, pro se, via first class mail.

/s/ Jody T. Adams

Dated: 9/13/2006

Jody T. Adams, Counsel